

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 4:20 CR 77 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | ORDER ACCEPTING PLEA |
| |) | AGREEMENT, JUDGMENT AND |
| MONTRELL GILBERT, |) | REFERRAL TO U.S. PROBATION |
| |) | <u>OFFICE</u> |
| Defendant |) | |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Thomas M. Parker, regarding the change of plea hearing of Montrell Gilbert, which was referred to the Magistrate Judge with the consent of the parties.

On February 5, 2020, the government filed a 6 count Indictment, charging Defendant Gilbert in counts 1 through 6, with Felon in Possession of a Firearm, in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Possession with Intent to Distribute Cocaine, Heroin, Fentanyl, Carfentanil, Acetyl Fentanyl, and Cocaine Base (Crack), in violation of Title 21 U.S.C. 841(a)(1) and (b)(1)(C) and Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18 U.S.C. § 924(c)(1)(A). Defendant was arraigned on February 7, 2020, and entered a plea of not guilty to counts 1 through 6 of the Indictment, before Magistrate Judge Limbert. On October 22, 2021, Magistrate Judge Parker received Defendant Gilbert's plea of guilty to count 6 of the Indictment, with a written plea agreement, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Gilbert is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Montrell Gilbert is adjudged guilty to count 6 of the Indictment, in violation of Title 18 U.S.C. § 924(c)(1)(A). This matter was referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be held on February 11, 2022, at 2:00 p.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

November 17, 2021